

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CAPSTONE TRAINING LLC,

Plaintiff,

v.

AMERICAN FAMILY INSURANCE  
CO. et al,

Defendants.

CASE NO. C20-1065 MJP

ORDER DENYING MOTION TO  
PERMIT DISCOVERY ON THE  
ISSUE OF REMAND

This matter comes before the Court upon Plaintiff Capstone Training, LLC's Motion to Permit Discovery on the Issue of Remand. (Dkt. No. 17.) Having read the Motion, the Response (Dkt. No. 18), the Reply (Dkt. No. 20), and the related record, the Court DENIES the Motion.

On August 28, 2020, Plaintiff filed a motion to remand, arguing that Defendant removed this matter one day too late. (Dkt. No. 5 at 3.) Finding that there was insufficient evidence to evaluate the timeline of service and removal, the Court ordered Defendant American Family Insurance Company to submit evidence supporting its argument that removal to this Court was timely. (Dkt. No. 12.) Defendant submitted a declaration from Steve Kirvan, an Associate

1 Paralegal in the Legal Department of Defendant's registered agent, Corporation Service  
2 Company ("CSC"), who stated:

3 On June 11, 2020, CSC's Washington office received, via certified mail, tracking number  
4 7019 0700 0002 0789 5669, from the Office of the Insurance Commissioner, a Summons,  
5 Complaint, and Plaintiff's First Interrogatories and Requests for Production to Defendant  
6 American Family in the matter of Capstone Training, LLC v. American Family Insurance  
7 Company et al., Case No. 20-2-09341-6 SEA in the Superior Court of [t]he State of  
8 Washington for the County of King ("the Capstone complaint").

9 (Dkt. No. 14, Ex. E, ¶ 8.) On November 13, 2020, relying on Mr. Kirvan's declaration along  
10 with other evidence submitted by Defendant, the Court denied Plaintiff's motion to remand.

11 (Dkt. No. 15.) Plaintiff now seeks to depose Mr. Kirvan, who is not a party to this lawsuit,  
12 because "Plaintiff suspects that Mr. Kirvan's declaration was not based on his personal knowledge."

13 (Dkt. No. 17 at 3.)

14 Aside from Plaintiff's unsupported suspicions, there is no support for its Motion.  
15 Further, any information gleaned from deposing Mr. Kirvan would have no relevance to this  
16 matter because the Court has already denied Plaintiff's motion to remand and the time to file a  
17 motion for reconsideration passed on November 27, 2020, 14 days after the Court's Order  
18 denying the Motion to Remand was entered on November 13, 2020. LCR 7(h)(1)-(2). Plaintiff's  
19 Motion is therefore DENIED.

20 The clerk is ordered to provide copies of this order to all counsel.

21 Dated December 23, 2020.

22 

23 Marsha J. Pechman  
24 United States Senior District Judge